

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

JACOB DUFFEE §
v. § CIVIL ACTION NO. 9:11CV174
BAKER PATTILLO, *et al.* §

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contain her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation (document #21) recommends that Defendant's First Amended Motion to Dismiss (document #14) be granted, that Plaintiff's Motion for Summary Judgment (document #15) be denied, and that the complaint be dismissed with prejudice for failure to state a claim pursuant to Fed.R.Civ.P. 12(b)(6). No written objections have been filed. The Court therefore adopts the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is

ORDERED that Defendant's First Amended Motion to Dismiss (document #14) is **GRANTED**. It is further

ORDERED that Plaintiff's Motion for Summary Judgment (document #15) is **DENIED**.

It is finally

ORDERED that the complaint is **DISMISSED** with prejudice for failure to state a claim pursuant to Fed.R.Civ.P. 12(b)(6). Any motion not previously ruled on is **DENIED**.

So **ORDERED** and **SIGNED** this **16** day of **August, 2012**.



Ron Clark, United States District Judge